

TO: Coastal Program Managers

FROM: John King, Acting Chief
Coastal Programs Division

SUBJECT: 2003-2004 Performance Report Guidelines

This memorandum transmits the Office of Ocean and Coastal Resource Management's (OCRM) 2003-2004 Performance Report Guidelines. This version supersedes all previous versions, including the guidance provided annually as well as the 1992-1993 Guidelines, which has for many years been cited as the version that provides specific guidance and detailed examples of Section A and Section B formats.

OCRM did not make changes to the requirements for Section A or C of the performance reports, although Section C is still not required this year. However, we have made some changes to the suggested format for reporting on Section B. Section B remains an important part of the performance report, as it addresses program implementation, permitting, and federal consistency. We have provided updated tables with fewer elements to report on. We remain committed to reviewing this information and getting feedback to the states when appropriate.

We have added a discussion of performance measures for you to consider as you prepare your reports. We have also clarified the number of copies required. If you are submitting your report in hard copy, one original and two copies is still the standard. Although OCRN prefers electronic copies of any publications, reports or other work products, if submitting in hard copy, only two copies are required. One copy will remain here in OCRM for use by CPD staff and evaluators; the other copy will be sent to the Coastal Services Center, which maintains the Coastal Zone Information Center.

If you have questions, please contact your coastal program liaison.

**Office Of Ocean and Coastal Resource Management
2003-2004 Performance Report Guidelines**

September 2003

Introduction

This paper provides Office of Ocean and Coastal Resource Management (OCRM) guidance for the submission of performance reports for financial assistance awards under Sections 306, 306A, and 309 of the Coastal Zone Management Act of 1972, as amended (CZMA), as well as for the Coastal Nonpoint Program. OCRM needs the information contained in the reports to determine State, Commonwealth and Territory coastal management programs' (coastal programs') adherence to the terms of financial assistance awards; compliance with grant tasks; adherence to the approved management program and plan; progress on meeting Section 312 evaluation necessary actions or program suggestions; and the extent to which the coastal program is addressing the management needs identified in Section 303(2)(A) through (K) of the CZMA.

Under the Federal Chief Financial Officer's Act of 1990 (CFOA), the files of all federal agencies, including those of NOAA, have become subject to annual CFOA audit. These audits include a determination as to whether Federal grant files contain up-to-date financial reports and performance reports from recipients. If grant recipients have not submitted timely performance and/or financial reports as required by the Terms and Conditions of the award:

- NOAA cannot issue new grant awards,
- NOAA cannot approve post-award actions, and
- NOAA must deny access to funds under all financial assistance awards to that recipient.

The goal of OCRM's Coastal Programs Division (CPD) and NOAA's Grants Management Division (GMD) is to reduce the amount of paperwork required and staff time necessary to prepare and process performance reports while still providing necessary information.

General Reporting Requirements

The performance report requirements are divided into three sections: Section A (status of grant tasks), Section B (status of program implementation activities), and Section C (success stories). CMP's are required to submit Section A and B reports on a semi-annual basis beginning from the start date of the award, and to submit Section C on an as-requested basis (no more frequently than annually). Section C reports are not necessarily tied to specific award periods.

Unless required by CPD, coastal programs should not be submitting quarterly performance reports. Some programs continue to require quarterly performance reports from their subawardees. This is a decision that CPD leaves up to the recipient. However, do not send these quarterly reports under separate cover to CPD. Instead, summarize the subawardees' quarterly reports in your semiannual report.

Some coastal programs are submitting Section A reports separately from Section B reports. This can cause problems logging in the reports. Whenever possible, submit both sections together. In any event, clearly identify the award, time period, and section the report covers, as described further below.

All performance reports received in CPD are logged in. To ensure that the performance reports are correctly logged in, include the following information in the title of the report:

“Performance Report for State Cooperative Agreement No.: NA03NOS419XXXX ”
“for the Period from _____ to _____

When reporting on more than one cooperative agreement in a reporting period, the applicant must submit separate performance reports for each award and place the award number in the title of the report and/or at the top of each page. This information is necessary to ensure that the reports are correctly logged in and correctly filed. Work products should also be identified by grant and task number so it is clear which report they are associated with.

Reports Due: Reports must be submitted no more than 30 days after the end of the reporting period in order to ensure compliance with NOAA Standard Terms and Conditions, and to ensure compliance with the CFOA.

Last Report: For coastal management awards a final report is not required. Instead, CPD requires that recipients continue to report on all tasks and activities until they are completed, that the performance report clearly indicate when individual tasks or activities are completed, and that the last report submitted should be labeled as such. GMD has concurred with this decision (ref. Memorandum between Uravitch and Litton, “Final Performance Report Waiver,” dated 12/28/98). Like other performance reports, the last performance report is due 30 days after the final reporting period (this is different from “final” reports, which are allowed up to 90 days).

Copies: Coastal programs are encouraged to submit copies of progress reports and work products in electronic form. Task reports should be compiled into one file, not submitted individually. The report should be submitted in Microsoft Word, WordPerfect, or another compatible word processing program, via disk or through e-mail. If the progress report is submitted in hard copy, there should be one original and two copies of the report as well as the cover letter (for a total of three). However, for work products submitted in hard copy, recipients are required to submit only two copies. Any document or other work product printed/funded with coastal zone management funds should be submitted to NOAA.

NOAA Funding Credit/Disclaimer: All work products must contain language acknowledging the NOAA funding, and if appropriate, a view disclaimer. Example language follows:

This [report/video] was prepared by [recipient name] under award [number] from the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration. The statements, findings, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the views of OCRM or NOAA.

Wherever possible, coastal programs are encouraged to use existing data as attachments to a performance report that summarizes and provides an analysis of work performed under the award for that time period. The attachments may be reports prepared for internal office purposes, reports prepared by the coastal program agency, or other statewide reports.

Coastal Management Performance Measurement

In FY 2001, 2002, and 2003 appropriations language, Congress directed NOAA to begin designing and implementing a national coastal management performance measurement system and to periodically report on progress in developing a system. A joint OCRM-state working group formed in November 2002 is developing draft indicators for performance measurement and plans to report a preliminary set of indicators to Congress in December 2003. Eventually, indicators will be incorporated into performance reports.

The working group is currently developing indicators using a framework of the following six focus areas: coastal hazards, public access, coastal habitats, coastal water quality, coastal dependent uses, and coastal community development. Final indicators and important details such as data collection methodologies and time frames for measuring performance are yet to be determined. OCRM, however, encourages states that have developed indicators for these focus areas to include a report on their use and measures of the state's performance in the overall performance reports. (See Section C.)

Section Reports

To provide guidance to Recipients, descriptions and examples of the information that should be submitted to NOAA are provided below and in attachments to this document. The attachments also provide suggested formats for completing specific sections of the reports. Information may be submitted in any usable format, provided that the required information is included. Specific inconsistencies between OCRM reporting requirements and state reporting systems should be resolved by the state program managers and the appropriate CPD program liaison.

Section A: Status of Award Tasks and Section 312 Evaluation "Necessary Actions"

This section describes the status of each Section 306, 306A (if applicable), 309, and coastal nonpoint program grant task and relevant special award conditions. The report must be detailed enough to provide OCRM with a clear understanding of what has been accomplished under each task during the performance period. The section should be organized in the same format as the original grant application and include the following information:

1. Status of each task, organized by task number and title (e.g., meetings held, permits processed, work products completed, contracts completed).
2. Status of task benchmarks that were due during the performance period.
3. Status of special award conditions due during the performance period.

4. Progress in meeting any “necessary actions” or “program suggestions” identified in the most recent Section 312 evaluation.
5. Progress in achieving program changes as identified in the Strategies supporting Section 309 tasks.

If identified work products, benchmarks or deadlines are not due for a task during the reporting period, the narrative should provide more information than “the work is on-going.” Instead, progress in achieving these elements should be described.

You should also indicate whether the task is on schedule and when the work is expected to be completed. The performance report should be informative enough to provide OCRM with preliminary notice that revisions to the task or grant may be necessary due to problems encountered during the reporting period. However, noting potential grant changes in the performance report does not replace the need to formally request such changes.

States are encouraged to make these reports as concise as possible. Depending on the size and complexity of the state grant, these reports may be no more than five to ten single-spaced pages. Narrative discussions can be particularly brief in cases where attachments (contracts, work products, meeting minutes, publications, public notices, etc.) provide a clear indication of status. Refer to Attachment A for an examples.

_____ Section B: Status of State Permits, Federal Consistency, and Program Changes

This section describes the information required to assess the states’ coastal program implementation as it relates to: (1) permit administration, monitoring and enforcement, (2) Federal consistency, and (3) program changes. Information reported under these topics should include sufficient detail to provide a clear understanding of the major activities, problems, controversies, and accomplishments during the reporting period. In the case of the first two topics, states should submit quantitative information in chart or tabular form, as well as narratives that briefly elaborate on the most significant aspects of the reporting elements. For permits and Federal consistency, example charts are provided in Attachment B. States may use existing state reporting mechanisms to provide the tabular data requested as long as the information that meets the reporting requirements is provided. When a topic area in Section B is also a grant task (and therefore reported under Section A), it is not necessary to repeat the same information in Section B, again as long as all the required information is provided. The following text is a more detailed description of information to be reported on under each topic of this section.

Permit Administration, Monitoring, and Enforcement: This section should include quantitative data on the number and type of all state and local government (if applicable) coastal program-mandated permit applications and the number of permits issued or denied. In the case of networked programs that rely on more than one regulatory program, quantitative information must be provided for each core program. The narrative should briefly discuss any major on-going issues, controversial development project permit applications and conditions, significant

violations detected and their resolution, other specific enforcement actions, and any other monitoring activities such as overflights or site visits. You may append news clippings, memos, etc., to support abbreviated summaries. If an item had been discussed in previous reports, please update this information as necessary. In addition, describe the lead CZM agency's efforts to monitor activities of other state or local agencies (networked or otherwise), identify accomplishments or problems related to ensuring agency compliance with the approved CZM program, and where necessary, discuss actions to bring these agencies into compliance. If a coastal program is unable to provide information for one or more of these categories, please discuss this with your coastal program liaison.

Federal Consistency: This section must include both charts and narrative information that describe the federal consistency reviews and activities during the report period. The narrative report should briefly describe, in case study format, significant consistency reviews, specific examples of controversial projects, type of project modifications required to meet consistency provisions, and important consistency negotiations during the reporting period. The narrative should also report on efforts to improve the consistency review process (i.e., to develop regulations, guidelines or other advisory materials). Again, internal reports, etc. that address these issues may be included as attachments in lieu of narrative in the performance reports.

Program Changes: This section should identify any changes to (or on-going efforts to change) the coastal program's authorities or organizational structure that occurred during the reporting period and that may affect the federally-approved CZM program. Examples included changes in CZM or other core program statutes, changes in organization or coordination agreements amended regulations, approval of local coastal programs, and designation of special management areas. Development of any potential new authorities, programs, agreements, etc. for which the coastal program may seek incorporation should also be discussed. If no changes have occurred to the approved program during the reporting period, please include a statement to this effect. This report is not a substitute for the formal submission to OCRM of such program changes pursuant to 15 CFR 923.80-84.

Section C: Success Stories

Note: Section C reports are encouraged, but are not required, for FY2004 grant awards.

Section C requires states to submit three to six examples of projects or instances where the coastal management program has been successful in addressing coastal management issues. The purpose of this section is to enable OCRM to collect information on innovative management technical and resource protection programs for exchange between coastal programs and to cite specific accomplishments under the federal coastal zone management program. OCRM has used examples of success stories in technical assistance bulletins, Congressional testimony, factsheets, other NOAA documents, and in discussions with other coastal programs.

States have considerable flexibility in choosing examples. Consistent with the performance measurement initiative, States could choose from among the six major focus areas that are the initial focus of indicator development: coastal hazards management, coastal public access,

coastal habitats, coastal water quality, coastal dependent uses, and coastal community development. Other suggestions are the coastal program's role or state accomplishments in areas such as: wetlands protection, federal consistency, legislative or regulatory improvements, and conflict resolution.

The narrative for each success story should include:

- identification and description of the coastal resource management issue;
- description of how the coastal program was involved;
- summary of improvements in increased resource protection and institutional relations (e.g., a Memorandum of Agreement with another agency to ensure that coastal policies are better addressed);
- where possible, quantitative information on the degree of improvement (e.g., acres of wetlands protected as a result of increasing the state's monitoring and enforcement efforts); and
- where possible, state federal, and local funds expended for the improvement.

Although it is difficult to assign a page length to this exercise, OCRM envisions 1-2 single spaced pages per example. As this report should enable OCRM to relate the success stories to others, the narrative should include enough information that OCRM can use the report without requesting additional information. Coastal programs can attach any reports or other work products associated with the success story, if OCRM does not already have a copy through the Section A or Section B reporting.

Like for Section A and B, coastal programs are encouraged to submit the Section C report electronically.

OMB Control #0648-0119, expires 01/31/2008. OCRM requires this information to report progress in relation to projected work schedules and stated objectives. The data will be used to assure compliance. Public reporting burden for this collection of information is estimated to average 27 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to John King, Chief, Coastal Programs Division, OCRM, 1305 East-West Hwy., 11th Floor, Silver Spring, Maryland 20910. This report is required under and is authorized under 15 CFR 24.40. Information submitted will be treated as public records. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB Control Number.

Attachment A
Examples of Section 306, 306A, 309, and Coastal Nonpoint Implementation Task Status

STATE COASTAL MANAGEMENT PROGRAM
FY2003 AWARD – NA03NOS419xxxx
July 1, 2003 - December 31, 2003 (1st Semi-Annual Report Period)

Task 306-1 – Program Administration: The two staff funded under this task continued to oversee and implement a number of the major implementation activities as outlined in our grant. In the fall, contracts were executed for the local pass-through projects once our award letter was received. The Program also hosted a workshop for potential grant applicants in the upcoming year in advance of the RFP due date of December 1. Staff reviewed the proposals and made preliminary selections of eligible projects. These will be forwarded to NOAA in the draft application due in April. Staff monitored the activities of the state legislature with respect to bills being considered that could impact the coastal program. Technical reviews were conducted for two pieces of proposed legislation (described further in our Section B report). The updated MoA between the Coastal Resources and the Water Quality Divisions was finalized and signed in January; a copy is included in Attachment 1. Staff continued to participate in the state dredge management workgroup, attending three meetings during the reporting period. Copies of the month-by-month program reports prepared for our Department head are also included in Attachment 1 to provide additional detail regarding staff and program activities.

Task 306-2 – Permit Administration and Federal Consistency: Staff working under this task are responsible for administering the CZM Program's three major permitting programs. During this reporting period staff reviewed 84 development projects. Of these, 12 were major, 11 were local, and 19 were federal actions. A complete summary of permit and consistency activities can be found in the tables in Attachment 2 (i.e., Section B). Seven sites were visited to assess potential impacts to wetlands. Staff also conducted six meetings with applicants to explain the consistency review process. Also included in the attachment are copies of significant consistency determinations and water quality certifications, as examples of on-going project review activities. One appeal was filed during this reporting period; a hearing has yet to be scheduled. Copies of two final decisions for appeals that were issued in this period are also included in the Attachment.

Task 306-3 – Wetland Mitigation Study: The final version of the wetland mitigation study entitled "Saltwater Marsh Mitigation in Silver Bay," was completed in November 2003 and the CZM Program is preparing to release the results during the next reporting period. To summarize, the study evaluated the relative success of 15 compensatory wetland mitigation projects performed from 1998-2000 around Silver Bay and recommended changes to the program's mitigation criteria and standards and tracking database. Although the study began late due to heavy rains in the spring, the study team was able to meet the planned target date for completion of the report. The Program will begin to evaluate the steps necessary to implement the proposed changes in the next reporting period. A copy of the study is included as Attachment 3.

Task 306-4 – Technical Assistance to Local Governments for Inspection Staff: Contracts were executed for three of the cities identified in our application and they have begun work. The fourth, Washington, had to be cancelled owing to an inability to come up with the required match. A request to NOAA to reprogram the approximately \$25,000 in federal funds to a different locality or another task, will be submitted during the next reporting period.

Task 306A-1 – Acorn Park Fishing Pier: This task has fallen 3 months behind schedule as the recipient was restricted from starting work on the project because they had not submitted a title opinion and project checklist. These documents were received in October and forwarded to OCRM immediately. The signed checklist was received from OCRM in November. The recipient anticipates being able compress the construction schedule so as to still complete the project within the original 18-month award period.

Task 306A-2 – Washington Harbor Boardwalk: This project was completed early and a dedication event is scheduled for April. A short project report with representative photos of the site and the funding credit sign is included in Attachment 4.

Task 309-1 – Development of New Setback Regulations: Work is progressing on schedule for this task. The interagency workgroup met twice during the reporting period; the second time to finally come to agreement on the new proposed setback distance. Consensus was reached in part based on the Division's completion of the new erosion rate calculations and shoreline change maps (produced under Task 7 of Section 306). Once a decision was made, staff were able to finalize the proposed rule language. The language will be presented to the Commission for consideration at their next quarterly meeting in June. Barring any complications, the rules should be adopted by fall 2004, as planned. Subsequent to that, the rules will be submitted to NOAA as a routine program change. A copy of the draft rules highlighting the revisions is included as Attachment 5.

Task CNP-1 – Stormwater BMP Manual and Technical Assistance: During this reporting period, our consultant completed the Stormwater BMP Manual after making requested revisions. The first of the four planned workshops to present the new stormwater regulations and the manual to local contractors was held in February. Approximately 35 individuals participated. The remaining three workshops will be held in the next reporting period, about one every other month. Copies of the manual and the workshop syllabus and handouts are included as Attachment 6

Task CNP-2 – Clean Marina Program: During this reporting period, staff conducted one workshop and attended two boat shows. Members of the evaluation team visited 12 marinas for potential certification as clean marinas. Nine were found to have met a sufficient number of necessary elements to become certified. They will be formally accepted at an award ceremony planned for May. The other three were close and were scheduled for re-visits within the next few months. With the addition of nine, we have a total of 77 certified clean marinas, 61% of our target of having 25% of the marinas in the coastal zone certified by 2005 in accordance with our 5 year implementation plan. The quarterly issue of our clean marina newsletter was sent out in October; copies are included as Attachment 7.

Attachment B
Examples of Permit Administration and Federal Consistency Status Charts

These charts are meant as guides. States may submit this data in another format if one is used by the applicable agency as long as the same information is included, or else manipulate the data to fit charts of this type.

Chart #1 – Permits (to be used by coastal programs with direct permitting authority or if not, the networked permit and enforcement agencies, as well as local governments if the program has approved local components – indicate as appropriate)

State/Local Permitting Agency (Coastal Management Agency or Network Agency)	Type of Permit Activity (where applicable, indicate major or minor)	Applications Filed	Permits Issued	Permits Denied
<i>Department of Environmental Quality</i>	<i>Tidal wetlands fill</i>	<i>10</i>	<i>7</i>	<i>3</i>
<i>Department of Marine Resources</i>	<i>Submerged Lands</i>			
<i>Local government (if appropriate)</i>	<i>Stormwater management permit</i>			
Total Activity				

Chart #2 – Direct Federal Agency Activities (Section 307(c)(1) and (2))

- Each individual project acted on during the past six months should be listed.

Federal Agency	Activity or Project	Concurrence	Non-concurrence		Time of Review
			Insufficient information	Inconsistent with state policies	
<i>DOD/ACOE</i>	<i>Dredge Material Disposal - Port Bienville Harbor</i>			<i>x</i>	<i>45 days</i>

Chart #3 – Federal Licenses and Permits (Section 307 (c)(3)(A))

- Group projects by federal agency and type of license or permit

Federal Licensing or Permit Agency	Type of Permit	Number of Permits	Number of Concurrences	Number of Non-concurrences		Time of Review
				Insufficient information	Inconsistent with state policies	
<i>DOD/ACOE</i>	<i>Section 10</i>	<i>6</i>	<i>3</i>	<i>1</i>	<i>2</i>	<i>60 days</i>

Chart #4 – Federal Licenses and Permit Activities Described in Detail in OCS Plans (Section 307(c)(3)(B))

- List each individual project

Federal Agency	Project Name and Plan of Exploration or Development	Concurrence	Non-concurrence		Time of Review
			Insufficient information	Inconsistent with state policies	
<i>DOI/MMS</i>	<i>Santa Lucia Unit - P0007 (POE)</i>			<i>x</i>	<i>6 days</i>

Chart #5 – Federal Assistance to State and Local Governments (Section 307(d))

Agency	Type of Assistance	Total	Concurrence	Non-concurrence		Time of Review
				Insufficient information	Inconsistent with state policies	
<i>HUD</i>		<i>3</i>	<i>3</i>			